

The Interim

A Monthly Publication
December 2016



Newsletter

In This Issue

Upcoming Training for Legislators	1
The Capitol Shuttle Is Back!	1
Leaders Selected for the 2017 Session	2
Legislative Audit Committee	4
Legislative Council	4
Legislative Finance Committee	4
Revenue and Transportation Committee	4
State Administration and Veteran's Affairs Committee	5
Committee Bills for the 2017 Session	6
The Back Page: Committees, Commissions, and Task Forces — Oh My!	11

Upcoming Training for Legislators

Session orientation training continues in December 2016 as follows:

- Building Trust Through Civil Discourse — Tuesday, Dec. 6 (12 to 5 p.m., Room 152).
- Rules Committees — Wednesday, Dec. 7 (morning).
- Presiding officer training — Wednesday, Dec. 7 (afternoon).
- Budget training, 2019 Biennium Budget review, and rules training — Thursday, Dec. 8.

The budget training for legislators will include information on the following subjects:

- The governor's 2019 biennium budget proposal.
- Statutory appropriations.
- Fiscal notes.
- The balance sheet.
- Biennial appropriations.

Training guides provided by the Legislative Fiscal Division will include "Understanding State Finances," "House Bill 2: The General Appropriations Act," and other brochures. These materials are available on the LFD website at <http://leg.mt.gov/css/fiscal/publications.asp>.

The Capitol Shuttle Is Back!

The City of Helena Capital Transit, the Department of Administration, and the Legislative Services Division have again joined forces to provide you with the Capitol Shuttle for the 2017 legislative session. The shuttle will operate from 6:30 a.m. to 6:15 p.m. starting the first day of the session and will run between the Capitol Hill Mall east parking lot and the south entrance of the Capitol building.

For more information, please contact Sheila Hogan at the Department of Administration, shogan@mt.gov or 406-444-2032, or Susan Fox at the Legislative Services Division, sfox@mt.gov or 406-444-3064.



At party caucuses on Nov. 14, legislators selected leadership for the 2017 session. From left to right are Sen. Scott Sales, Senate president-elect; Sen. Jon Sesso, Senate minority leader; Rep. Austin Knudsen, House speaker-elect; and Rep. Jenny Eck, House minority leader.

Leaders Selected for the 2017 Session

At separate party caucuses held on Nov. 14, Democrat and Republican members of the 2017 Legislature elected their leaders for the upcoming legislative session. The full membership of the House and the Senate must confirm the selections when the Legislature convenes in January. The first day of the 2017 session is Monday, Jan. 2, 2017. The House and the Senate will each convene at noon. A tentative session calendar has been adopted by the Legislative Council and can be found on the [2017 session web page](#).

House Leadership

- Speaker of the House: Austin Knudsen (R-Culbertson)
- Speaker Pro Tempore: Greg Hertz (R-Polson)
- Majority Leader: Ron Ehli (R-Hamilton)
- Majority Whips: Seth Berglee (R-Joliet), Alan Doane (R-Bloomfield), Theresa Manzella (R-Hamilton), Brad Tschida (R-Missoula)
- Minority Leader: Jenny Eck (D-Helena)
- Minority Caucus Chair: Tom Woods (D-Bozeman)
- Minority Whips: Nate McConnell (D-Missoula), Shane Morigeau (D-Missoula), Casey Schreiner (D-Great Falls)

Senate Leadership

- President: Scott Sales (R-Bozeman)
- President Pro Tempore: Bob Keenan (R-Bigfork)
- Majority Leader: Fred Thomas (R-Stevensville)
- Majority Whips: Mark Blasdel (R-Kalispell), Edward Buttrey (R-Great Falls), Cary Smith (R-Billings)
- Minority Leader: Jon Sesso (D-Butte)
- Minority Whips: Tom Facey (D-Missoula), JP Pomnichowski (D-Bozeman)

Also chosen were members of the Committee on Committees, which appoints members of Senate committees. The members of the Committee on Committees are



Other leaders chosen on Nov. 14 were (from left to right) Sen. Fred Thomas, Senate majority leader; Sen. Bob Keenan, Senate president pro tempore; Rep. Ron Ehli, House majority leader; and Rep. Greg Hertz, House speaker pro tempore.

Dee Brown (R-Hungry Horse), Edward Buttrey (R-Great Falls), Kris Hansen (R-Havre), Ryan Osmundson (R-Butte), Chas Vincent (R-Libby), and Jeffrey Welborn (R-Dillon). The speaker of the House appoints members of House committees.

Committee Presiding Officers Named

The House speaker-elect appointed presiding officers for House committees as shown on the next page in Table 1.

The Committee on Committees named the presiding officers for the Senate committees as shown on the next page in Table 2.



House Chambers, Montana State Capitol



Senate Chambers, Montana State Capitol

Table 1

House Committee	Presiding Officer
Agriculture	Rep. Alan Redfield (R-Livingston)
Appropriations	Rep. Nancy Ballance (R-Hamilton)
Business and Labor	Rep. Mark Noland (R-Bigfork)
Education	Rep. Seth Berglee (R-Joliet)
Ethics	Rep. Bill Harris (R-Winnett)
Federal Relations, Energy, and Telecommunications	Rep. Daniel Zolnikov (R-Billings)
Fish, Wildlife, and Parks	Rep. Kelly Flynn (R-Townsend)
Human Services	Rep. Kirk Wagoner (R-Montana City)
Judiciary	Rep. Alan Doane (R-Bloomfield)
Legislative Administration	Rep. Vince Ricci (R-Laurel)
Local Government	Rep. Edward Greef (R-Florence)
Natural Resources	Rep. Kerry White (R-Bozeman)
Rules	Rep. Jeff Essmann (R-Billings)
State Administration	Rep. Forrest Mandeville (R-Columbus)
Taxation	Rep. Jeff Essmann (R-Billings)
Transportation	Rep. Steve Lavin (R-Kalispell)

Table 2

Senate Committee	Presiding Officer
Agriculture, Livestock, and Irrigation	Sen. Brian Hoven (R-Great Falls)
Business, Labor, and Economic Affairs	Sen. Ed Buttrey (R-Great Falls)
Education and Cultural Resources	Sen. Kristin Hansen (R-Havre)
Energy	Sen. Duane Ankney (R-Colstrip)
Ethics	Sen. Nels Swandal (R-Wilsall)
Finance and Claims	Sen. Llew Jones (R-Conrad)
Fish and Game	Sen. Jennifer Fielder (R-Thompson Falls)
Highways and Transportation	Sen. Gordon Vance (R-Belgrade)
Judiciary	Sen. Keith Regier (R-Kalispell)
Legislative Administration	Sen. Bob Keenan (R-Bigfork)
Local Government	Sen. Roger Webb (R-Billings)
Natural Resources	Sen. Chas Vincent (R-Libby)
Public Health, Welfare, and Safety	Sen. David Howard (R-Park City)
Rules	Sen. Fred Thomas (R-Stevensville)
State Administration	Sen. Dee Brown (R-Hungry Horse)
Taxation	Sen. Mark Blasdel (R-Kalispell)

Audit Committee to Meet Dec. 9

The Legislative Audit Committee will meet at 8 a.m. on Dec. 9 in Room 172 of the Capitol in Helena. The agenda includes presentations on recently completed financial and performance audits of state agencies and programs. Presentations on the following reports are anticipated.

Financial Audits

Department of Administration (16-15)
Department of Revenue (16-14)
Department of Environmental Quality (16-16)
Department of Natural Resources and Conservation (16-17)
Montana Historical Society (16-24)
Board of Housing (15-04)
Commissioner of Political Practices (16-21)
Office of the Public Defender (16-25)

Performance Audit

Oversight of Crossroads Correctional Center by the Department of Corrections (15P-03)

Follow-Up Report

Game Damage Program (17SP-02)

More Information

For more information on the upcoming meeting and the committee's activities, please visit the Legislative Audit Division's website or contact Angus Maciver, legislative auditor.

Division Website: <http://leg.mt.gov/audit>
Legislative Auditor: amaciver@mt.gov or 406-444-3200

Legislative Council Approves Recommendations

The Legislative Council met on Nov. 15 and received an update of the Legislative Branch's budget submission. The council also considered the session rules recommendations from the Rules Subcommittee and will forward recommendations 1 through 6 and 9 through 12 (see the [November meeting web page](#) for the complete list) to the respective Rules Committees that will meet on Dec. 7, 2016.

The council concurred in a land transfer of the Hamilton Armory from the Department of Military Affairs to the city of Hamilton and will forward the recommendation to the Land Board. Also, the council approved several council bill recommendations for the 2017 session (please see the bills table in the "Committee Bills for the 2017 Session" article later in this newsletter).

More Information

For more information on the council's activities, please visit the council's website or contact Susan Byorth Fox, council staff.

Council Website: <http://leg.mt.gov/legcouncil>
Council Staff: sfox@mt.gov or 406-444-3066

Legislative Finance Committee to Meet on Dec. 6

The Legislative Finance Committee will hold its quarterly meeting in early December to hear reports on health care and benefits, the budget status, and other topics. Handouts at this meeting will be available on the committee's website.

Fiscal Year-End Budget Status Report

Legislative Fiscal Division staff will present the budget status report, which analyzes changes to departmental budgets and expenditures. It also includes a summary of program transfers, reorganizations, operational plan changes, budget amendments, statutory appropriations, and carry forward appropriations.

Other Reports

Other reports that are planned to be given at the December meeting include the following:

- State Information Technology Update.
- Annual actuarial reports.
- Committee recommendations to the Legislature.
- State infrastructure budgeting and funding bill draft.

More Information

The committee will hold its quarterly meeting at 10 a.m. on Dec. 6 in Room 102 of the Capitol in Helena. For more information on the committee's activities and upcoming meeting, please visit the committee page below or call the Legislative Fiscal Division.

Committee Website: www.leg.mt.gov/lfc
Committee Staff: acarlson@mt.gov or 406-444-2986

RTIC Adopts Governor's Revenue Estimate

The Revenue and Transportation Interim Committee held its final meeting of the interim on Nov. 17.

Revenue Estimate

The main purpose for the meeting was for the committee to adopt a revenue estimate for introduction during the 2017 legislative session. The committee adopted a revenue estimate

using the Legislative Fiscal Division's general fund and non-general fund assumptions and estimates but adjusted the revenue sources to match the estimates of the Office of Budget and Program Planning. Rep. Jeff Essmann (R-Billings) will sponsor the revenue estimate, which is traditionally identified as House Joint Resolution 2.

Reconsideration of Committee TIF Bill

The committee voted to reconsider a bill requested at its September meeting. LC 413 amended reporting requirements for districts that use tax increment financing. The new request from the committee is to broaden the scope of the bill to include a requirement for public hearings before the expenditure of tax increment.

For a list of all bills requested by RTIC, please see the bills table in the "Committee Bills for the 2017 Session" article later in this newsletter.

DOR Report on Property Tax Rates

The Department of Revenue presented to the committee a required report on the tax rates for the upcoming property reappraisal cycle that will result in taxable value neutrality for each property class.

More Information

A final report of the committee's activities will be available on the committee's website. For more information on the committee's activities, please visit the committee's website or contact Megan Moore, committee staff.

Committee Website: www.leg.mt.gov/rtic

Committee Staff: memoore@mt.gov or 406-444-4496

SAVA Tackles Pension Funding, Suicide Prevention

At its final meeting of the interim on Nov. 17, the State Administration and Veterans' Affairs Interim Committee examined the funding status of nine of the 11 public employee retirement plans that are defined benefit plans. The committee also finalized three committee bill recommendations aimed at reducing the state's high suicide rate, especially among veterans.

Two Pension Funds Unsound

As shown in Figure 1, although seven of the defined benefit plans are actuarially sound, two of the funds, the Sheriffs' Retirement System (SRS) and the Game Wardens' and Peace Officers' Retirement System (GWPORS), are considered actuarially unsound because current contributions plus expected average investment returns are not sufficient to fund the systems' benefit liabilities in any amount of time. Systems

are considered actuarially sound if expected contributions plus investment earnings are sufficient to amortize unfunded liabilities in 30 years or less. The Public Employees' Retirement Board, which administers all of the systems listed in Figure 1 except for the Teachers' Retirement System, has requested legislation to address the funding shortfalls in SRS and GWPORS.

Figure 1 Pension Funding Status Summary			
System	Funded Ratio	ARC Shortfall (% payroll)	Amortization Period (years)
PERS-DB	77%	0%	26
TRS	69%	0%	24
SRS	83%	3.39%	does not amortize
MPORS	69%	0%	18
GWPORS	84%	2.08%	does not amortize
FURS	78%	0%	9
HPORS	66%	0%	28
JRS	166%	0%	0
VFCA	80%	0%	7

Source: Fiscal year 2016 actuarial valuations.

The acronyms and terms used in Figure 1 are defined as follows:

PERS-DB – Public Employees' Retirement System–Defined Benefit Plan

TRS – Teachers' Retirement System

SRS – Sheriffs' Retirement System

MPORS – Municipal Police Officers' Retirement System

GWPORS – Game Wardens' and Peace Officers' Retirement System

FURS – Firefighters' Unified Retirement System

HPORS – Highway Patrol Officers' Retirement System

JRS – Judges' Retirement System

VFCA – Volunteer Firefighters' Compensation Act

The committee also reviewed and approved publication of the 2016 *Legislator's Guide to Montana's Public Employee Retirement Systems* and summary tables, commonly referred to as "green sheets," providing at-a-glance information about the benefits, funding status, membership, and investments of each public employee retirement system. The guide and the green sheets will be made available to legislators during the session as well as online at the committee's [website](http://www.leg.mt.gov/rtic).

Suicide Prevention Recommendations

The committee reviewed, took public comment on, and finalized three committee bill recommendations concerning suicide prevention, as follows:

- LC 1029 – Requiring specified health and mental health care professions licensed in Montana to complete suicide assessment, treatment, and management training.
- LC 1030 – Providing a general fund appropriation of \$500,000 (as a starting point for further discussion during the session) for grants through the state suicide prevention office to local efforts targeted at veteran suicide prevention.
- LC 1031 – Revising the state suicide prevention program by further articulating that the program should reach all ethnic groups and occupations, that the public awareness campaign should be aimed at normalizing the need for all Montanans to address mental health problems, that media outreach should include digital and social media, and that veteran groups should be solicited to provide input to the public awareness campaign. The bill also provides a \$500,000 general fund appropriation to enhance the program.

More Information

For more information on the committee's activities, please visit the committee's website or contact Sheri Scurr, committee staff.

Committee Website: <http://www.leg.mt.gov/sava>

Committee Staff: sscurr@mt.gov or 406-444-3596

Committee Bills for the 2017 Session

When the 2017 Legislature convenes in January, it will take up nearly 90 bills recommended by legislative committees that met during the past 18 months to examine a range of policy issues. The following table lists the bills that are being recommended by the committees.

Criminal justice topics were of particular concern during this past interim. The studies and bills resulting from legislative studies on these topics are featured in the "Back Page" article at the end of this newsletter.

The bills are listed in the table by their LC numbers and will be assigned formal House or Senate bill numbers as they are introduced. Those wishing to keep track of actions on these bills may access the online Legislative Automated Workflow System (LAWS) throughout the session using either the LC numbers or the assigned formal bill numbers. The online LAWS system is available at <http://www.leg.mt.gov/laws.htm>. Instructional videos on how to use the LAWS system search features are also available at the same link.

2017 Session Committee Bills

Children, Families, Health, and Human Services Interim Committee

LC 170	Require Medicaid reimbursement for drug therapy management
LC 171	Eliminate certain DPHHS advisory councils and reports
LC 172	Create a grant program for training volunteer respite providers
LC 278	Providing protections to vulnerable people from financial exploitation
LC 279	Fund Alzheimer's-related services provided by area agencies on aging
LC 280	Increase HCBS waiver slots and assisted living reimbursement rates
LC 281	Strengthen guardianship services and create a WINGS group

Commission on Sentencing

See the "Back Page" article at the end of this newsletter.

2017 Session Committee Bills (cont.)	
Economic Affairs Interim Committee	
LC 173	Revise interim committee review authority over alcohol beverage laws
LC 379	Process to hold patients harmless from balance billing by air ambulance
LC 380	Regulate certain air ambulance memberships as insurance
LC 399	Revise requirement for interim committees to review advisory boards, reports
LC 400	Revise reporting for business industrial development corporations
Education and Local Government Interim Committee	
LC 401	Revise collection of payment for historic rights-of-way
Energy and Telecommunications Interim Committee	
LC 423	Require PSC review of net metering interconnection
LC 424	Eliminate the electrical licensing exemption for grid-tied generation
LC 425	Update the PSC's role in reviewing net metering standards
LC 426	Grandfather existing customer-generator net metering rates
LC 427	Increase net metering cap for certain customer generators
LC 428	Repeal renewable energy credit reporting requirements
LC 429	Study of renewable energy credits in Montana
LC 433	Establish benefits and retirement security task force
LC 434	Appropriate money to assist/intervene/plan for closure of coal-fired generation
LC 435	Establish coal-fired generating unit decommissioning remediation act
LC 436	Provide support for communities affected by closure of coal-fired generation
LC 438	Establish energy accountability act
LC 445	Revise and update 9-1-1 laws
Environmental Quality Council	
None	
Judicial Redistricting Commission	
See the "Back Page" article at the end of this newsletter.	
Law and Justice Interim Committee	
See the "Back Page" article at the end of this newsletter.	
Legislative Audit Committee	
None	

2017 Session Committee Bills (cont.)	
Legislative Council	
LC 260	Revise legislative objection polling for administrative rulemaking process
LC 341	Session feed bill
LC 886	Generally revise laws related to legislative broadcasting services
LC 887	Require interim committees and EQC to adopt rules to allow proxies
Legislative Finance Committee	
LC 51	Repeal biodiesel production incentive
LC 594	Generally revise laws governing the long-range building program
Revenue and Transportation Interim Committee	
LC 402	Provide for primary enforcement of seatbelt laws
LC 403	Repeal the refundable income tax credit relief multiple
LC 404	Revise property reappraisal laws
LC 405	Revise tax lien and tax deed laws
LC 406	Revise agricultural valuation laws related to property under a residence
LC 407	Eliminate nonqualified agricultural property designation
LC 408	Revise eligibility of land for agricultural valuation
LC 409	Require parcel to be at least 1 acre for valuation as agricultural property
LC 410	Allow claim of elderly owner/renter credit on property not subject to taxes
LC 411	Amend laws related to urban renewal agency board of commissioners
LC 412	Amend laws related to remittance of tax increment
LC 413	Amend TIF laws related to public hearings and reporting
LC 414	Removes certain levies from tax increment financing provision
LC 415	Revise laws concerning deposit and expenditure of highway revenue
LC 1011	Revenue estimating resolution
School Funding Interim Commission	
LC 292	Revise quality educator loan assistance program
LC 293	Revise INTERCAP loan program
LC 294	Allow transfer of school general fund to building reserve fund in certain cases
LC 295	Revise school funding related to facilities

2017 Session Committee Bills (cont.)	
LC 296	Revise school funding related to facilities
LC 297	Revise school funding related to special education
LC 298	Revise school funding related to special education
LC 299	Revise school funding related to special education
LC 300	Increase funding for gifted and talented education
LC 301	Request study of funding for education programs for special needs students
LC 302	Create task force to study public employee health benefits
State Administration and Veterans' Affairs Interim Committee	
LC 30	Generally revise election laws
LC 86	Eliminate information technology report requirement to SAVA
LC 525	Revise fire relief association disability and pension funding requirements
LC 1029	Require certain licensed health professionals be trained in suicide prevention
LC 1030	Provide an appropriation to fund grants to local veteran suicide prevention efforts
LC 1031	Revise and provide additional funding for the state suicide prevention program
State-Tribal Relations Committee	
LC 304	Revise Montana Indian language preservation program
LC 305	Remove redundant language from tribal college reimbursement statute
LC 306	Expand eligibility for Indian language immersion program funding
LC 307	Provide for suicide prevention among American Indian and rural youth
LC 308	Allow Indian language immersion program funds to be used as matching funds
LC 309	Prohibit sale or trade of cultural patrimony and sacred objects
Task Force on State Public Defender Operations	
See the "Back Page" article at the end of this newsletter.	
Water Policy Interim Committee	
LC 323	Clarify water commissioner appointments
LC 324	Require education program for water commissioners
LC 325	Clarify definition of water right change
LC 326	Statutory appropriation for Ground Water Investigation Program
LC 327	Clarify process for updating water right transfers

2017 Session Committee Bills (cont.)	
LC 564	Allow Water Court review of certain DNRC decisions
LC 565	Direct DEQ to assume dredge-and-fill permitting program
LC 566	Establish Surface Water Assessment and Monitoring Program
LC 567	Limit adverse effects analysis

The Back Page

Committees, Commissions, and Task Forces — Oh My!

By Rachel Weiss, Legislative Research Analyst

The criminal justice system in Montana is complex and multifaceted. It includes local governments whose employees work to prevent and investigate crime, file charges and try defendants, and operate county detention centers. There are attorneys, often public defenders, who provide representation to defendants. District courts hear the vast majority of criminal cases and are a shared responsibility between the counties and the state of Montana. The state is also a main player in the postconviction system because it funds, operates, and contracts for prison beds as well as other treatment and community corrections facilities to house and treat convicted felony offenders. In addition, the state provides probation and parole supervision for offenders on community supervision.

The system isn't just composed of governmental agencies. It includes individuals, too: law enforcement officers, attorneys of many types, district court judges, Supreme Court justices, victims, offenders, corrections staff, treatment or service providers, families, legislators, and taxpayers.

As is to be expected with an expansive, complicated public system, it is also expensive. Of the money expended from the state's general fund as adopted in House Bill 2 (2015) for the 2017 biennium, more than \$632.1 million — or 16 percent of the total — was appropriated to the public safety and justice agencies and to the judicial branch.¹ Only education and health and human services functions received more money. And cities and counties spend additional local funds to carry out their important public safety duties.

Unsurprisingly, legislators and the public spend significant amounts of time considering the philosophy, functions, and funding of the criminal justice system. The 2015 Legislature took the consideration one step further when it created three study entities to lift up the hood of the state's criminal justice system during the 2015-2016 interim. The entities were instructed to take an in-depth look at how specific parts of the system's engine were working. This interim article details the origins and work of those entities, including lists of their recommendations for system updates. The article also includes a review of a study of sexual assault in Montana performed by

an existing legislative interim committee at the request of the Legislature.

Sorting Out the Studies

The legislative process includes statutorily created bipartisan interim committees made up solely of legislators. These committees study policy issues between legislative sessions to determine what exactly the problems are and how best to resolve them. Studies are typically recommended to these interim committees by a study resolution that asks the Legislative Council to assign an appropriate interim committee to examine the issue described in the resolution. Senate Joint Resolution 24 (2015) was this type of study, and the study subject was sexual assault in Montana. It was a wide-ranging topic that included a review of criminal statutes, investigation and prosecution of sexual crimes, victims' needs, offender treatment, and several related subtopics.

The Legislature may also create other bodies to tackle policy studies. These entities are often created to allow for direct participation by nonlegislators and to require rather than recommend the study. For the 2014-2015 interim, three legislatively created entities were required to undertake criminal justice-related studies:

- The Commission on Sentencing created by Senate Bill 224 (2015).
- The Judicial Redistricting Commission created by House Bill 430 (2015).
- The Task Force on State Public Defender Operations created by House Bill 627 (2015).

SJR 24: Study of Sexual Assault in Montana

The Legislative Council assigned the SJR 24 study of sexual assault to the Law and Justice Interim Committee, a 12-member interim committee with six senators and six representatives. Sen. Scott Sales (R-Bozeman) served as the presiding officer, and the study's sponsor, Sen. Diane Sands (D-Missoula), was elected vice presiding officer.

¹ Legislative Fiscal Division, Legislative Fiscal Report 2017 Biennium, State Expenditures, p. 26, <http://leg.mt.gov/content/Publications/fiscal/Budget-Books/2017/Fiscal-Report/Volume-1/2.pdf>.

SJR 24 requested that the assigned committee consider multiple study topics, including the following:

- Current state and federal sexual assault statutes, including those governing the criminal justice process of investigating, charging, and sentencing of sexual assault-related crimes.
- Current policies and practices of local, state, and university law enforcement agencies and of county attorneys that are related to investigating and prosecuting sexual assault crimes and whether the agencies and county attorneys have adequate resources to investigate and prosecute these crimes.
- Societal attitudes and myths related to sexual assault, and education that might help the public to overcome these attitudes and myths.
- If and to what extent best-practices training is available to stakeholder agencies and sexual assault response units.
- Best practices and policies for treatment, incarceration, registration, and supervision of sexual offenders and for treatment for victims.
- Measures to improve understanding of the difficulties inherent in the criminal justice system in responding to sexual assault, measures to prevent sexual assaults, and education or tools to improve communities' responses to sexual assault.
- Jurisdictional factors that hinder responses to sexual assault, including assaults on Indian reservations and Montana university campuses.
- Information-sharing and data-collection challenges related to the analysis of sexual assault in Montana.

The committee met seven times between June 2015 and August 2016. Although the committee also had other duties, it tackled the SJR 24 sexual assault study with focus, devoting 40 percent of its meeting time to it. Committee members listened to presentations by and engaged in discussions with numerous stakeholders. They also took public comment at each meeting.

Panelists and presenters included assistant attorneys general from the Montana Department of Justice, county attorneys and a public defender, forensic nurse examiners, victims' advocates, the state's rape prevention education coordinator, Montana University System law enforcement officials, staff, and Title IX coordinators, Department of Corrections staff who supervise sex offenders in prison and in the community, professionals who treat sex offenders in the community and in prison, and staff for the Board of Crime Control, which collects state crime data and provides grant funding to many stakeholders. A former prosecutor from Colorado and a technical advisor to the Montana Department of Justice in its work with the Missoula community on the sexual assault issue also spent a morning talking about her work and offering examples the committee could use when considering whether to suggest changes to sexual assault laws.

The committee began considering draft legislation in March 2016. It continued to review, revise, and take comment on the drafts until its final meeting in August. At that time, the committee voted to send seven bills to the 2017 Legislature related to the SJR 24 study (see Table 1).

Commission on Sentencing

SB 224, the legislation creating the Commission on Sentencing, tasked the commission with a broad mission: study the impact that existing sentencing policies and correctional

Table 1. Law and Justice Interim Committee Bill Recommendations
SJR 24: Sexual Assault Study

LC #	Working Draft #	Short Title	Description
272	lj01	Revising laws regarding sexual crimes	Revises the definition of "consent" so that proof of force is no longer required; defines "consent" as requiring "words or overt actions indicating freely given agreement"; creates crime of aggravated sexual intercourse without consent, which requires proof of force and has more significant penalties.
273	lj03	Revise laws regarding sexual intercourse without consent	Provides a maximum penalty of 5 years in prison for sexual intercourse without consent when (1) an offender is 18 years of age or younger and the victim is 14 years of age or older, (2) the offense is a first offense, and (3) no force was used; provides that an 18-year-old who is convicted of sexual intercourse without consent involving a victim who is age 14 or older does not have to register as a sex offender as long as force was not used.

Table 1. Law and Justice Interim Committee Bill Recommendations
SJR 24: Sexual Assault Study (cont.)

LC #	Working Draft #	Short Title	Description
274	lj02b	Revising laws related to privacy in communications	Creates a new subsection under the crime of privacy in communications for distributing a visual or print medium of a person who is identifiable, is engaged in sexual conduct, and has not consented to the creation of the visual or print medium.
275	lj04	Revise laws related to criminal statute of limitations	Extends statute of limitations for sex crimes when victims are under the age of 18.
276	lj05	Revise laws related to juvenile offenders and registration as sex offender	Revises the Youth Court Act so that juvenile sexual offenders do not have to register as sex offenders unless the court finds that registration is necessary to protect the public.
277	lj06	Revise laws re termination of parental rights when child is result of rape	Allows for termination of the parent-child legal relationship by court order if the parent was convicted of, or if the court finds by clear and convincing evidence that, the parent committed an act of sexual assault, rape, or incest and the child was born as a result of that act.
303	—	Revise incest laws	Revises the crime of incest to provide that consent is not a defense if the victim is younger than 18 years old.

practices have on Montana's criminal justice system. Beyond examining impacts, the commission was also charged with the following:

- Identifying strategies to safely reduce incarceration and to promote evidence-based diversion programs and other effective alternatives to incarceration.
- Investigating evidence-based recidivism reduction initiatives, cost-effective crime prevention programs, and factors contributing to recidivism.
- Considering disparities issues in the criminal justice system, such as racial and ethnic disparities.
- Identifying opportunities to streamline the criminal code and to balance sentencing practices with budget constraints.

The 15-member commission was composed of representatives from all three branches of government and had public members as well. Legislative leaders selected four legislators to serve on the commission: Sen. Kristin Hansen (R-Havre); Sen. Cynthia Wolken (D-Missoula); Rep. Margaret "Margie" MacDonald (D-Billings); and Rep. Matthew Monforton (R-Bozeman).

Chief Justice Mike McGrath appointed Judge Ingrid Gustafson of the 13th Judicial District as the district court judge on the panel. Department of Corrections Director Mike Batista and Peter Ohman, a public defender appointed by the chief public defender, also served on the panel.

Attorney General Tim Fox appointed Pondera County Attorney Mary Ann Ries; Majel Russell, an attorney from Billings;

Jennie Hansen, a Billings-area probation and parole officer with the Department of Corrections; Toole County Sheriff Donna Whitt; and Dan Guzynski, an assistant attorney general. Gov. Steve Bullock appointed three public members: Derek Gibbs of Lewistown, the Rev. Roxanne Klingensmith of Bozeman, and LeAnn Montes of Box Elder.

The commission elected Sen. Wolken, the sponsor of SB 224, to be its presiding officer. Sen. Hansen served as the vice presiding officer.

In late June 2015, Montana political leaders from all three branches of government signed a letter requesting technical assistance from the Council of State Governments (CSG) Justice Center for the Commission on Sentencing. The request was granted, and the commission worked closely with staff from the CSG Justice Center throughout the study.

The Commission on Sentencing met six times between September 2015 and October 2016. During those meetings, commissioners gathered background information on the workings of the criminal justice system, learned about best practices to design, implement, and maintain programs to help reduce crime, and heard from a wide range of system stakeholders. The CSG Justice Center also presented results from data analysis, observations from site visits and discussions with stakeholders, and comparisons of Montana's criminal justice system components with those in other states. In addition, a subcommittee appointed by the full commission met in August 2016 to review and suggest changes to Montana's criminal sentencing statutes.

At the end of the study, the commission voted to request that 12 bills be forwarded to the 2017 Legislature (see Table 2).

Judicial Redistricting Commission

The Judicial Redistricting Commission was a seven-member commission created in HB 430 (2015), sponsored by Rep. Steve Fitzpatrick (R-Great Falls). HB 430 required the commission to study whether judicial redistricting was necessary and to report the results of its work to the 2017 Legislature. The commission was required to use the following factors as part of its study:

- The population of the judicial districts as determined by the most recent figures prepared and issued by the United States Census Bureau.
- Each judicial district's weighted caseload as determined by judicial workload studies.
- The relative proportions of civil, criminal, juvenile, and family law cases in each judicial district.
- The extent to which special masters, alternative dispute resolution techniques, and other measures have been used in the judicial districts.

Table 2. Commission on Sentencing Bill Recommendations
SB 224: Criminal Justice System Study

LC #	Working Draft #	Short Title	Description
552	j001	Generally revise criminal justice laws	Establishes pretrial risk assessment and deferred prosecution grant programs and allows courts to use pretrial risk assessment information; eliminates a required report from judges or justices related to drug users.
553	j002	Generally revise criminal justice laws	Revises presentence investigation laws; requires training for corrections employees on risk assessment and evidence-based practices; requires the department to use risk and needs assessments to drive supervision and correctional practices and to validate the risk assessment tool.
554	j003	Generally revise sentencing laws	Revises criminal sentencing laws, including drug sentences, drug education courses, persistent felony offender designation, theft and related offenses, certain mandatory minimums, and other sentencing laws.
555	j018	Generally revise criminal justice laws	Creates an oversight council to monitor and report on criminal justice legislation; creates reporting requirements for the Department of Corrections; requires the department's Quality Assurance Unit to adopt an evaluation tool to use to conduct program evaluations; requires the department to adopt an incentives and interventions grid to use for community supervision.
556	j012	Interim study of tribal resources for members involved in criminal justice system	Requests an interim committee study to explore increasing access to tribal resources for tribal members who are in the state's criminal justice system.
557	j009	Require certain facilities providing behavioral health services to be licensed by DPHHS	Requires facilities to be licensed by the Department of Public Health and Human Services if the facility provides inpatient behavioral health treatment services and is operated by or contracts with the Department of Corrections.
558	j10B	Certification for behavioral health peer support specialists	Creates a certification process for behavioral health peer support specialists through the Board of Behavioral Health.
559	j011	Revise laws related to supervision of offenders/defendants	Revises laws related to the supervision of probationers and of defendants serving a deferred or suspended sentence; requires the Department of Corrections to adopt an incentives and interventions grid to use for community supervision.
560	j013	Generally revise laws related to the board of pardons and parole	Revises the board's size and structure to make it a three-member, full-time board; requires the board to adopt structured parole guidelines and provide training; revises supervision and revocation processes.

Table 2. Commission on Sentencing Bill Recommendations
SB 224: Criminal Justice System Study (cont.)

LC #	Working Draft #	Short Title	Description
561	j015	Generally revise laws regarding housing options for offenders	Creates a housing policy for the state; establishes a supportive housing grant program; allows the Department of Corrections to offer rental vouchers to certain offenders and to keep data on certain offenders.
562	j016	Generally revise the crime victims compensation act	Revises the times and qualifications for claims; increases funeral benefits and adds cleanup and relocation benefits.
563	j017	Generally revise offender intervention program laws	Requires the Board of Crime Control to adopt statewide standards for services offered through the program; allows grant funding to be used to develop and implement the standards.

- The distances in highway miles between county seats in existing judicial districts and any judicial districts that may be proposed by the commission.
- The impact on counties of any changes proposed in the judicial districts.
- Any other factors that the commission considers significant to determining whether the state's judicial districts should be redistricted.

Members of the commission included Sen. Kristin Hansen (R-Havre) and Rep. Nate McConnell (D-Missoula), both attorneys appointed by legislative leaders in the two chambers. The chief justice of the Montana Supreme Court appointed district court judges Ray Dayton, 3rd Judicial District, and Gregory Todd, 13th Judicial District, to serve on the commission. Rick Cook, the clerk of district court in Chouteau County, served as the representative of the clerks of district courts, and Madison County Commissioner Dave Schulz represented county commissioners. Rounding out the panel was Emily Jones, a Billings attorney appointed by the president of the Montana State Bar.

The commissioners elected Judge Todd to serve as the commission's presiding officer.

The commissioners met four times over the course of a year to review judicial workload statistics and other data they were required to consider or had requested. They also discussed six commissioner proposals that would alter existing judicial district boundaries. After discussion and public comment, the commission voted against recommending any of the six proposals to the 2017 Legislature. They determined that

“redistricting is not necessary and not the appropriate way to address the need for additional judges.”²

Task Force on State Public Defender Operations

Created by HB 627, the Task Force on State Public Defender Operations was tasked with studying the operations of the public defender agency and developing a long-term organizational plan to allow the office to provide effective assistance of counsel to indigent defendants. Specifically, HB 627 required the task force members to examine the following:

- The constitutional and statutory duties of the office.
- The ethics and professional responsibilities of the attorneys in the office.
- How other states structure and fund offices or programs that provide assistance of counsel to indigent clients.
- Office attorney compensation and workload and their effects on recruitment and retention of staff.
- The possibility, costs, and benefits of restructuring the office.
- Any other issues related to the duties, funding, and ethical obligation of the office that the task force felt relevant.

The 11 members of the task force represented a variety of stakeholders in the public defender system, including six legislators, one district court judge appointed by the chief justice of the Supreme Court, and four members appointed by the governor. The four members appointed by the governor included an attorney possessing experience with the Indian Child Welfare Act, an attorney with experience prosecuting

² Judicial Redistricting Commission, Final Report and Recommendations to the 65th Montana Legislature, 2016, <http://leg.mt.gov/content/Committees/Interim/2015-2016/Judicial-Redistricting/Committee-Topics/jrc-final-report-2016.pdf>.

misdemeanor and felony offenses in Montana, an attorney with experience in criminal defense in Montana, and a group facilitator. The bill requested that legislative leadership responsible for appointing the six legislative members select members of the 2015 Joint Appropriations Subcommittee on Judicial Branch, Law Enforcement, and Justice. Rep. Kimberly Dudik (D-Missoula) served as the task force's presiding officer, and HB 627 sponsor Rep. Randy Brodehl (R-Kalispell) served as the vice presiding officer.

Limited by HB 627 to five meetings, the task force members dove into their work, learning about the history and workings of the office, the experiences of professionals working in "the trenches," and how other states provide assistance of counsel. In addition to reviewing research and data provided by legislative and agency staff, the task force also developed an online survey to seek input from stakeholders and other members of the public on what works in the agency and ideas for changes that the task force could consider.

After considering numerous ideas and draft bills, the task force members voted to forward eight bills to the 2017 Legislature (see Table 3).

Meeting Materials and Additional Study Resources

Each study entity maintained a website with links to meeting agendas, materials, and other written resources. The websites also contain audio and video minutes of the interim meetings.

- Law and Justice Interim Committee: www.leg.mt.gov/ljic
- Commission on Sentencing: www.leg.mt.gov/cos
- Judicial Redistricting Commission: www.leg.mt.gov/jrc
- Task Force on State Public Defender Operations: www.leg.mt.gov/tfspdo

Table 3. Task Force on State Public Defender Operations Bill Recommendations
HB 627: Study on Public Defender Operations

LC #	Working Draft #	Short Title	Description
432	pd1a	Revise public defender system and provide for a director hired by governor	Establishes that the commission would become advisory but would nominate three candidates for director; the governor would be required to select from the list nominees; the director would be hired, not appointed, so could not be fired without cause.
437	pd09	Revise budget consultation between public defender offices	Eliminates the statutory requirement for the chief appellate defender to confer with the chief public defender on the budget.
439	pd04	DPHHS to determine eligibility for state public defender services	Transfers determination of eligibility for public defender services from the Office of the State Public Defender to the Department of Public Health and Human Services.
440	pd05	Dept. of Revenue to collect fees for public defender services	Makes the Montana Department of Revenue responsible for collecting any fees for public defender services imposed by a judge pursuant to section 46-8-113, MCA.
441	pd06	Establish holistic defense pilot project within state public defender system	Establishes a holistic defense pilot program in up to four locations across the state.
442	pd07	Require public defender workload assessment study	Requires the Office of the State Public Defender to contract with an independent party for a workload assessment study and to report findings to the Law and Justice Interim Committee.
443	pd10	Revise appointment of public defender for putative father in neglect cases	Limits the appointment of counsel to a putative father in abuse and neglect cases.
444	conceptual draft	Revise appointment of public defender in termination of parental rights cases	Revises the appointment of a public defender to an absent parent in a dependent neglect case.